

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

Potlatch Corporation
803 Mill Road
Lewiston, Idaho

is authorized to discharge from its pulp, paper, and woodproducts facility located at Lewiston, Idaho, at the following locations:

<u>Outfall</u>	<u>Receiving Water</u>	<u>Latitude</u>	<u>Longitude</u>
001	Snake River	46° 25' 31" N	117° 02' 15" W
Seepage	Clearwater River		

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective

This permit and the authorization to discharge shall expire at midnight,

Signed this day of

Randall F. Smith
Director
Office of Water, Region 10
U.S. Environmental Protection Agency

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I. LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit, the permittee is authorized to discharge from outfall 001 and through seepage from the power boiler ash settling ponds #1 through #4 and the secondary treatment aeration pond to the Snake and Clearwater Rivers, subject to the restrictions set forth herein. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.

A. Effluent Limitations and Monitoring

1. The permittee shall not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce a sheen on the surface of the receiving water.
2. The pH shall not be less than 5.5 standard units nor greater than 9.0 standard units.
3. Chemical agents containing trichlorophenol, pentachlorophenol, or zinc shall not be used at the facility.
4. The permittee shall limit and monitor discharges from outfall 001 and seepage from the secondary treatment aeration pond as specified in Table 1 below. All figures represent maximum effluent limits. The permittee shall comply with the effluent limits in Table 1 at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

Compliance with the loading limitations in Table 1 shall be based on the sum of loadings from discharge of 001 and loadings from seepage from the power boiler ash settling ponds #1 through #4 and the secondary treatment aeration pond. The concentration of pollutants in the seepage shall be assumed to be the same as the concentration of pollutants in the effluent from 001. Maximum daily and monthly average seepage volume shall be estimated as 0.44 million gallons per day (mgd) from the ash settling ponds and 3.3 mgd from the secondary treatment aeration pond.

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Table 1 - Effluent Limitations and Monitoring Requirements

Parameter	Effluent Limitations				Monitoring Requirements	
	Instant Max	Max Daily	Mo Avg	Ann Avg	Sample Freq	Sample Type
Five Day Biochemical Oxygen Demand (BOD ₅ , lb/day) ¹					Daily	24-hour Comp
River Flow $\geq 22,000$ cfs	---	53,800	28,100	---		
River Flow $< 22,000$ cfs $\geq 18,000$ cfs	---	36,300	18,900	---		
River Flow $< 18,000$ cfs	---	24,600	12,800	---		
Total Suspended Solids (TSS, lb/day)	---	92,800	49,800	---	Daily	24-hour Comp
Temperature, (°C) ²					Cont	Record
October 1 - June 14	---	33	---	---		
June 15 - September 30	20 ³	---	---	---		
2,3,7,8-TCDD (mg/day) ²	—	1.1 ⁴	---	0.39 ⁴	Monthly	24-hour Comp
pH, standard units	See footnote 5	—	—	—	Cont	Record
Adsorbable Organic Halides (AOX, lb/day)	---	3,700	2,400	---	Daily	24-hour Comp
Effluent Flow, Maximum Daily and Monthly Average (MGD)	---	---	---	---	Cont	Record
River Flow, Maximum Daily and Monthly Average (cfs)	---	---	---	---	Daily	See footnote 6
Production (Air Dried Tons per Day)	---	---	---	---	Monthly ⁷	
Phosphorus, Total (mg/l)	---	---	---	---	Monthly	24-hour Comp
Ammonia, Total (mg/l as N)		---	---	---	Monthly	24-hour Comp
Nitrite + Nitrate Nitrogen (mg/l)		---	---	---	Monthly	24-hour Comp

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Table 1 - Effluent Limitations and Monitoring Requirements

Footnotes

- 1 The BOD₅ limit will be determined by the flow in the Snake River at the permittee's diffuser (as calculated by summation of the flow in the Snake River as measured at the USGS Anatone gauge and the flow in the Clearwater River as measured at the USGS Spaulding gauge). The monthly average BOD₅ limit for any month will be determined by the average monthly river flow.
- 2 Reporting is required within 24 hours of a maximum daily limit violation. See Part III.G.
- 3 See paragraph I.A.5.
- 4 See paragraph I.A.6.
- 5 See paragraph 1.A.2.
- 6 River flow shall be reported as the sum of the flows at the USGS Anatone gauge (#13334300) and the USGS Spaulding gauge (#13342500).
- 7 Monthly production data for the year shall be submitted under separate cover in January of the following year or as requested by EPA.

5. Temperature Compliance Schedule

- a. Beginning on the effective date of this permit, the permittee shall comply with the winter temperature limitations. The permittee shall comply with the summer temperature limitations on or before [last day of permit term].
- b. Until compliance with the summer temperature limits is achieved, the permittee shall comply with the following heat limitation:

When the maximum temperature of the Snake River (measured at least 200 feet upstream from the permittee's diffuser) is equal to or greater than 19.7°C for the previous day, the net heat discharge rate shall not exceed:

Snake River flow (in cfs) multiplied by 593,000 BTU/cfs day.

The Snake River flow shall be calculated by summation of the flow in the Snake River as measured at the USGS Anatone gauge (#13334300), and the flow in the Clearwater River as measured at the USGS Spaulding gauge (#13342500).

- c. Until compliance with the summer temperature limits is achieved, the permittee shall submit an annual report summarizing efforts during the year to achieve compliance. The report shall be submitted with the December Discharge Monitoring Report (DMR).

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6. The effluent limits for 2,3,7,8-TCDD are not quantifiable using EPA approved analytical methods. EPA will use 10 pg/l (the minimum level) as the compliance evaluation level for these parameters. Analysis for 2,3,7,8-TCDD must be conducted using EPA method 1613. The permittee must achieve a minimum level less than or equal to 10 pg/l.
7. For purposes of reporting on the DMR, if a value is greater than the method detection level, the permittee shall report the actual value. If a value is less than the method detection level, the permittee shall report "less than {numerical method detection level}" on the DMR. For purposes of calculating monthly or annual averages, zero may be used for values less than the method detection level.
8. The permittee shall submit to EPA annually a report of the amounts and types of biocides used. This report shall be submitted with the December DMR.

B. Fiber Line Limitations and Monitoring

The permittee shall limit and monitor discharges from each fiber line (the chip line and the sawdust line) as specified in Table 2 below. All figures represent maximum effluent limits. The monitoring locations shall be designated 001A (chip line) and 001B (sawdust line) and shall be at the effluent from each line prior to commingling with any other waste streams. The permittee shall comply with the following effluent limits at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

Table 2 - Fiber Line Limitations and Monitoring				
Parameter	Limitations		Monitoring Requirements	
	Maximum Daily	Monthly Average	Sample Frequency	Sample Type
2,3,7,8-TCDD (pg/l)	<10 ¹	--	Monthly	24-hour Composite
2,3,7,8-TCDF (pg/l)	31.9	--	Monthly	24-hour Composite
Chloroform (lb/day)	27	16	Weekly	24-hour Composite

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Table 2 - Fiber Line Limitations and Monitoring

Parameter	Limitations		Monitoring Requirements	
	Maximum Daily	Monthly Average	Sample Frequency	Sample Type
Trichlorosyringol (ug/l)	<2.5 ²	--	Monthly	24-hour Composite
3,4,5-trichlorocatechol (ug/l)	<5.0 ²	--	Monthly	24-hour Composite
3,4,6-trichlorocatechol (ug/l)	<5.0 ²	--	Monthly	24-hour Composite
3,4,5-trichloroguaiacol (ug/l)	<2.5 ²	--	Monthly	24-hour Composite
3,4,6-trichloroguaiacol (ug/l)	<2.5 ²	--	Monthly	24-hour Composite
4,5,6-trichloroguaiacol (ug/l)	<2.5 ²	--	Monthly	24-hour Composite
2,4,5-trichlorophenol (ug/l)	<2.5 ²	--	Monthly	24-hour Composite
2,4,6-trichlorophenol (ug/l)	<2.5 ²	--	Monthly	24-hour Composite
Tetrachlorocatechol (ug/l)	<5.0 ²	--	Monthly	24-hour Composite
Tetrachloroguaiacol (ug/l)	<5.0 ²	--	Monthly	24-hour Composite
2,3,4,6-tetrachlorophenol (ug/l)	<5.0 ²	--	Monthly	24-hour Composite
Pentachlorophenol (ug/l)	<5.0 ²	---	Monthly	24-hour Composite
Flow, MGD	---	---	Continuous	Recording
Footnotes 1 This concentration represents the minimum level for this pollutant. Analysis for this pollutant must be conducted using EPA method 1613. The permittee must achieve a minimum level less than or equal to that listed. For purposes of reporting on the DMR, if a value is less than the minimum level, the permittee shall report the actual value. If a value is less than the method detection level, the permittee shall report "less than {numerical method detection level}" on the DMR. 2 This concentration represents the minimum level for this pollutant. Analysis for this pollutant must be conducted using EPA method 1653. The permittee must achieve a minimum level less than or equal to that listed. For purposes of reporting on the DMR, if a value is less than the minimum level, the permittee shall report the actual value. If a value is less than the method detection level, the permittee shall report "less than {numerical method detection level}" on the DMR.				

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C. Whole Effluent Toxicity Testing Requirements

During the fourth year of the permit term, the permittee shall conduct quarterly chronic toxicity testing of the effluent from outfall 001 in accordance with subsections 1 through 5, below.

1. Test Species and Methods

- a. The permittee shall conduct short-term tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test), the fathead minnow, *Pimephales promelas* (larval survival and growth test), and the green alga, *Selenastrum capricornutum* (growth test).
- b. Each test shall be a static-renewal test, conducted on three 24-hour composite samples of effluent (collected on days one, three, and five). In addition, a split of the first sample collected for each test shall be analyzed for the chemical and physical parameters required in Table 1 above. When the timing of sample collection coincides with that of the sampling required in Table 1, analysis of the split sample will fulfill the requirements of Table 1 as well.
- c. The presence of chronic toxicity shall be estimated as specified in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Third Edition, EPA/600-4-91-002, July 1994.
- d. Results shall be calculated in TU_c , where $TU_c = 100/NOEC$. If in the calculation of a no observed effect concentration (NOEC), two tested concentrations cause statistically significant effects but an intermediate concentration does not cause statistically significant effects, the permittee must either repeat the test or use the lowest concentration to calculate the NOEC.

2. Quality Assurance

- a. The toxicity testing on each organism shall include a series of five test dilutions and a control. The series shall include 1.8 percent effluent, two dilutions greater than 1.8 percent effluent, and two dilutions less than 1.8 percent effluent.

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- b. All quality assurance criteria and statistical analyses used for chronic tests and reference toxicant tests shall be in accordance with *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Third Edition, EPA/600-4-91-002, July 1994, and individual test protocols.
 - c. In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures shall be followed:
 - i) To the extent practicable, control and dilution water should be receiving water. If the dilution water used is different from the culture water, a second control, using culture water shall also be used. For purposes of this paragraph, "receiving water" means water collected from the Snake River upstream from the permittee's discharge. In no case shall water that has not met test acceptability criteria be used for either dilution or control.
 - ii) If organisms are not cultured in-house, concurrent testing with reference toxicants shall be conducted. If organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicant tests shall be conducted using the same test conditions as the effluent toxicity tests.
 - iii) If either of the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, the permittee must re-sample and re-test within 14 days of receipt of the test results.
3. Reporting
- a. The permittee shall submit the the full report for each toxicity test required under paragraph 1 with the DMR for the last month of the quarter (March, June, September, and December).
 - b. The permittee shall submit the results of any accelerated testing within 2 weeks of receipt of the results from the lab. The full report shall be submitted within 4 weeks of receipt of the results from the lab. If an initial investigation indicates the source of toxicity and accelerated testing is unnecessary, the results of the investigation

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shall be submitted with the DMR for the last month of the quarter in which the investigation occurred.

- c. The report of results shall include all relevant information outlined in Section 10, Report Preparation, of *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Third Edition, EPA/600-4-91-002, July 1994.
 - d. In addition to toxicity test results, the permittee shall report:
 - i) Dates of sample collection and initiation of each test,
 - ii) Type of production,
 - iii) Flow rate at the time of sample collection, and
 - iv) The results of the monitoring required in paragraph C.1.b.
4. Accelerated Testing
- a. If any test result indicates toxicity greater than 55 TU_c, the permittee shall conduct four more biweekly tests over an eight-week period. Accelerated testing must be initiated within two weeks of receipt of the test results that indicate an exceedence.
 - b. The permittee must notify EPA of the exceedence in writing within two weeks of receipt of the test results. The notification will include the following information:
 - i) A status report on any actions required by the permit, with a schedule for actions not yet completed.
 - ii) A description of any additional actions the permittee has taken or will take to investigate and correct the cause(s) of the toxicity.
 - iii) Where no actions have been taken, a discussion of the reasons for not taking action.
 - c. If the permittee is able to adequately demonstrate through an evaluation of facility operations that the cause of the exceedence is known and corrective actions have been implemented, only one additional test is necessary. If this test indicates toxicity greater than 55 TU_c, Part I.C.5. shall apply.

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- d. If none of the four tests indicates toxicity greater than 55 TU_c, the permittee may return to the normal testing frequency.
- 5. Toxicity Reduction Evaluation (TRE) and Toxicity Identification Evaluation (TIE)
 - a. If any of the biweekly tests indicates toxicity greater than 55 TU_c, the permittee must initiate a toxicity reduction evaluation (TRE) in accordance with *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070) within two weeks of the exceedence. At a minimum, the TRE will include:
 - i) Further actions to investigate and identify the cause of toxicity,
 - ii) Actions the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity, and
 - iii) A schedule for these actions.
 - b. The permittee may initiate a Toxicity Identification Evaluation (TIE) as part of the TRE process accordance with *Toxicity Identification Evaluation; Characterization of Chronically Toxic Effluents, Phase I* (EPA/600/6-91/005F), *Methods for Aquatic Toxicity Identification Evaluations, Phase II: Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080), and *Methods for Aquatic Toxicity Identification Evaluations, Phase III: Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA-600/R-92/081).
 - c. If a TIE is initiated prior to completion of the accelerated testing, the accelerated testing schedule may be terminated or used as necessary in performing the TIE.

D. Ambient Monitoring Requirements

- 1. The permittee shall conduct ambient water column monitoring in accordance with the following requirements:
 - a. During the third year of the permit, the permittee shall conduct weekly monitoring from July 15 through October 15 for the following parameters:

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- i) dissolved oxygen,
 - ii) travel time/velocity,
 - iii) temperature,
 - iv) pH,
 - v) ammonia,
 - vi) nitrate,
 - vii) nitrite,
 - viii) total kjeldahl nitrogen,
 - ix) total phosphorus, and
 - x) orthophosphate.
 - b. Monitoring shall be conducted at the following locations:
 - i) Clearwater River immediately upstream from the permittee's facility,
 - ii) Snake River RM 144,
 - iii) Snake River RM 139,
 - iv) Snake River RM 137,
 - v) Snake River RM 131,
 - vi) Snake River RM 120, and
 - vii) Snake River RM 110.
 - c. At the same times, BOD₅ samples shall be collected and analyzed at RM 144 on the Snake and on the Clearwater upstream from the permittee's facility.
 - d. A profile shall be constructed at each station for the parameters in paragraph a, above. At Snake RM 144 and the upstream station on the Clearwater, the profile shall include BOD₅.
 - e. A report summarizing the results of the water column monitoring shall be submitted with the December DMR. The report must include a discussion of sampling and laboratory methods, including quality assurance/quality control (QA/QC), data handling, and the results of the study.
2. The permittee shall conduct ambient sediment monitoring in accordance with the following requirements:

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- a. The permittee shall monitor for the following parameters:
 - i) all congeners of TCDD,
 - ii) all congeners of TCDF,
 - iii) extractable organic halides (EOX),
 - iv) total organic carbon (TOC),
 - v) metals - including mercury, aluminum, arsenic, selenium, lead, chromium, copper, zinc, cadmium, nickel - and
 - vi) acid volatile sulfides (AVS).
 - b. Metals shall be analyzed as total metal.
 - c. Monitoring shall be conducted annually during periods of low flow in the Snake and Clearwater Rivers at one control site in the Clearwater River (upstream from the permittee's facility), one control site in the Snake River (upstream from the permittee's discharge), and a minimum of two sites downstream from the permittee's discharge. All sampling must be conducted in depositional areas. To the extent practicable, the sites established in the first year shall be used for subsequent years.
 - d. At least 3 replicates must be taken for analysis at each site.
 - e. A report summarizing the results of the sediment monitoring shall be submitted with the December DMR. The report must include a discussion of sampling and laboratory methods, including quality assurance/quality control (QA/QC), data handling, and the results of the study.
3. The permittee shall conduct bioaccumulation monitoring in accordance with the following requirements:
 - a. The permittee shall collect and analyze fish once per year for all congeners of TCDD and TCDF, and percent lipids.
 - b. Fish collected shall include at least one species from each of the following trophic levels:
 - i) Bottom feeders: largescale sucker (*Catostomus macrocheilus*) or common carp (*Cyprinus carpio*)

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- ii) Pelagic species: peamouth (*Mylocheilus caurinus*) or redbreasted sunfish (*Richardsonius balteatus*)
 - iii) Piscivores: smallmouth bass (*Micropterus dolomieu*), Northern squawfish (*Ptychocheilus oregonensis*), or largemouth bass (*Micropterus salmoides*).
- c. Fish shall be collected from eight sites, representative of the following:
- i) two sites in the Clearwater River above the permittee's facility
 - ii) two sites in the Snake River above the point of discharge
 - iii) four sites below the point of discharge, one of which is located within the mixing zone and three of which are located downstream from the mixing zone.
- d. To the extent practicable, fish shall be collected at the same locations as the sediment samples required in paragraph I.D.2.
- e. Tissue samples shall be taken from at least 5 fish per site (one from each trophic level as described in paragraph b, plus two from any trophic level). All fish from one site may be composited before analysis.
- f. The permittee shall analyze the whole organism and fillet from game fish, and the whole organism for nongame fish.
- g. A report summarizing the results of the bioaccumulation monitoring shall be submitted with the December DMR. The report must include a discussion of sampling and laboratory methods, including QA/QC, data handling, and the results of the study.

E. Seepage Reduction and Control

1. This permit does not authorize the discharge of pollutants to groundwater or soil.
2. The permittee shall conduct quarterly sampling of groundwater at the facility for:
 - i) BOD₅,
 - ii) TSS,

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- iii) 2,3,7,8-TCDD,
- iv) phosphorus,
- v) ammonia,
- vi) nitrite and nitrate nitrogen, and
- vii) conductivity.

3. Monitoring shall be conducted at the following monitoring wells:

MW-1, MW-2, MW-2D, MW-3, MW-3D, MW-4, MW-5, MW-10
through 12, MW-15 through 18.

4. Monitoring of the groundwater level shall be conducted at the monitoring wells in paragraph 3 and the following piezometers:

PN1A, PN1B, PN4, PN8, PN102, PN132, PN134, PN503, PN622,
PN623, PN1350, PN1353, PN1354, PN1355, PN1357, PN1515.

4. A report summarizing the results of the previous year's groundwater monitoring shall be submitted to EPA and Idaho Division of Environmental Quality (DEQ) with the January DMR. The report must include a discussion of sampling and laboratory methods, including QA/QC, data handling, and a revised estimate of the seepage for each surface impoundment.
5. If the State determines, based on the groundwater monitoring results, that pollutants significant to designated uses can or will result in a reduction of the ambient water quality in the Clearwater River, the permittee shall prepare a seepage reduction/control program for surface impoundments at the facility. A draft plan must be submitted within 180 days of notification by the State that seepage control is necessary. The draft plan shall include a proposed schedule for implementation of seepage control measures. The permittee shall implement the schedule upon approval by the State.

F. Quality Assurance Plan (QAP)

The permittee shall develop a quality assurance plan (QAP) for all monitoring required by this permit. The plan shall be submitted to EPA for review within sixty days of the effective date of this permit and implemented within 120 days of the effective date of this permit.

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1. The QAP shall be designed to assist in planning for the collection and analysis of environmental samples in support of the permit and in explaining data anomalies when they occur.
2. Throughout all sample collection and analysis activities, the permittee shall use the EPA-approved QA/QC and chain-of-custody procedures described in *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). The QAP shall be prepared in the format specified in these documents.
3. The QAP shall include the following:
 - a. Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
 - b. A map indicating the location of each sampling point.
 - c. Qualification and training of personnel.
 - d. Name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by the permittee.
4. The permittee shall amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
5. Copies of the QAP shall be kept on site and made available to EPA and/or IDEQ upon request.

II. BEST MANAGEMENT PRACTICES PLAN

- A. **Purpose.** Through implementation of the best management practices (BMP) plan the permittee shall prevent or minimize the generation and the potential for the release of pollutants from the facility to the waters of the United States through normal operations and ancillary activities.

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B. Objectives. The objectives of the BMPs are to:

1. Minimize the number and quantity of pollutants and the toxicity of effluent generated, discharged or potentially discharged by managing each waste stream in the most appropriate manner,
2. Ensure proper operation and maintenance of the wastewater management system.
3. Prevent leaks and spills of spent pulping liquors, soap, turpentine, and other toxic substances, and
4. Contain, collect, and recover at the immediate process area, or otherwise control, those leaks, spills, and intentional diversions of spent pulping liquor, soap, turpentine, and other toxic substances that do occur.

C. Implementation

1. The permittee must implement the BMP plan submitted to EPA on August 1997, as amended.
2. On the effective date of this permit, the permittee must certify to EPA that the BMP plan has been reviewed and, if necessary, amended to ensure that it meets the minimum requirements of this Part.

D. Elements of the BMP Plan

1. The BMP plan must be based on a detailed engineering review as described in paragraphs 3 and 4 of this section.
2. The BMP plan must specify:
 - a. the procedures and the practices required for the permittee to meet the requirements of Part E,
 - b. the construction the permittee determines is necessary to meet those requirements including a schedule for such construction, and
 - c. the monitoring program (including the statistically derived action levels) that will be used to meet the requirements of Section F of this Part.

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3. The permittee must conduct a detailed engineering review of the pulping and chemical recovery operations, including but not limited to process equipment, storage tanks, pipelines and pumping systems, loading and unloading facilities, and other appurtenant pulping and chemical recovery equipment items in spent pulping liquor, soap, and turpentine service, for the purpose of determining the magnitude and routing of potential leaks, spills, and intentional diversions of spent pulping liquors, soap, and turpentine during the following periods of operation:
 - a. Process start-ups and shut downs;
 - b. Maintenance;
 - c. Production grade changes;
 - d. Storm or other weather events;
 - e. Power failures; and
 - f. Normal operations.
4. As part of the engineering review, the permittee must determine whether existing spent pulping liquor containment facilities are of adequate capacity for collection and storage of anticipated intentional liquor diversions with sufficient contingency for collection and containment of spills. The engineering review must also consider:
 - a. The need for continuous, automatic monitoring systems to detect and control leaks and spills of spent pulping liquor, soap, and turpentine;
 - b. The need for process wastewater diversion facilities to protect the wastewater treatment system from adverse effects of spills and diversions of spent pulping liquors, soap, and turpentine;
 - c. The potential for contamination of storm water from the immediate process areas; and
 - d. The extent to which segregation and/or collection and treatment of contaminated storm water from the immediate process areas is appropriate.
5. The BMP plan and any amendments must be reviewed by the senior technical manager at the mill and approved and signed by the mill manager. Any person signing the BMP plan or its amendments must certify to EPA, under penalty of law, that the BMP plan and its amendments have been prepared in accordance with good engineering practices and in accordance with 40 CFR 430.03. The permittee is not

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required to obtain approval from EPA of the BMP plan or any amendments.

E. Best Management Practices

1. All BMPs must be developed according to best engineering practices and must be implemented in a manner that takes into account the specific circumstances at the Potlatch mill.
2. Beginning on the effective date of this permit, the permittee shall implement all BMPs specified in this paragraph that do not require the construction of containment or diversion structures or the installation of monitoring and alarm systems.
 - a. The permittee must return spilled or diverted spent pulping liquors, soap, turpentine, and other process chemicals to the process to the maximum extent practicable, recover such materials outside the process, or route such material to the wastewater treatment system at a rate that does not disrupt the treatment system.
 - b. The permittee must recover other spilled or diverted substances to the maximum extent practicable, or route such material to the wastewater treatment system at a rate that does not disrupt the treatment system.
 - c. The permittee must establish a program to identify and repair leaking equipment items. This program must include:
 - i) Regular visual inspections of process areas with equipment items in spent pulping liquor, soap, and turpentine service;
 - ii) Immediate repairs of leaking equipment items, when possible. Leaking equipment items that cannot be repaired during normal operations must be identified, temporary means for mitigating the leaks must be provided, and the leaking equipment items repaired during the next maintenance outage;
 - iii) Identification of conditions under which production will be curtailed or halted to repair leaking equipment items or to prevent pulping liquor, soap, and turpentine leaks and spills; and
 - iv) A means for tracking repairs over time to identify those equipment items where upgrade or replacement may be

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warranted based on frequency and severity of leaks, spills, or failures.

- d. The permittee must operate continuous, automatic monitoring systems that it determines are necessary to detect and control leaks, spills, and intentional diversions of spent pulping liquor, soap, turpentine, and other toxic substances. These monitoring systems should be integrated with the mill process control system and may include:
- i) high level monitors and alarms on storage tanks,
 - ii) process area conductivity (or pH) monitors and alarms, and
 - iii) process area sewer, process wastewater, and wastewater treatment plant conductivity (or pH) monitors and alarms.

The permittee must commence operation of any new or upgraded monitoring systems (other than those associated with construction of containment or diversion structures) no later than April 17, 2000. Monitoring systems associated with construction of containment or diversion structures shall be operational no later than April 16, 2001.

- e. The permittee must conduct initial and refresher training of operators, maintenance personnel, and other technical and supervisory personnel who have responsibility for operating, maintaining, or supervising the operation and maintenance of equipment items in spent pulping liquor, soap, and turpentine service. The refresher training must be conducted at least annually and the training program must be documented.
- f. The permittee must prepare a brief report that evaluates each spill of spent pulping liquor, soap, turpentine, or other toxic substance that is not contained at the immediate area and any intentional diversion of spent pulping liquor, soap, turpentine, or other toxic substance that is not contained at the immediate area. The report must describe the following:
- i) the equipment items involved,
 - ii) the circumstances leading to the incident,
 - iii) the effectiveness of the corrective actions taken to contain and recover the spill or intentional diversion, and

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- iv) plans to develop changes to equipment and operating and maintenance practices as necessary to prevent recurrence.

Discussion of the reports must be included as part of the annual refresher training.

- g. The permittee must establish a program to review any planned modifications to the pulping and chemical recovery facilities and any construction activities in the pulping and chemical recovery areas before these activities commence. The purpose of such review is to prevent leaks and spills of spent pulping liquor, soap, turpentine, and other toxic substances during the planned modifications, and to ensure that construction and supervisory personnel are aware of possible liquor diversions and of the requirement to prevent leaks and spills of spent pulping liquors, soap, turpentine, and other toxic substances during construction.
- h. The permittee must install and maintain secondary containment (i.e., containment constructed of materials impervious to pulping liquors) for spent pulping liquor bulk storage tanks equivalent to the volume of the largest tank plus sufficient freeboard for precipitation. An annual tank integrity testing program, if coupled with other containment or diversion structures, may be substituted for secondary containment for spent pulping liquor bulk storage tanks.

Any construction necessary to comply with this paragraph shall be operational no later than April 16, 2001.

- i. The permittee must install and maintain secondary containment for turpentine bulk storage tanks no later than April 16, 2001.
- j. The permittee must install and maintain curbing, diking or other means of isolating soap and turpentine processing and loading areas from the wastewater treatment facilities no later than April 16, 2001.

F. Action levels

1. Monitoring

- a. Beginning on the effective date of this permit, the permittee must conduct daily monitoring of the influent to the wastewater treatment

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system in accordance with the procedures described in paragraphs b and c.

- b. The permittee must collect 24-hour composite samples and analyze the samples for a measure of organic content such as BOD₅ or total organic carbon. Alternatively, the permittee may use a measure related to spent pulping liquor losses measured continuously and averaged over 24 hours.
- c. Monitoring must be conducted at one of the following sets of locations:
 - i) the point where influent enters the primary clarifier and the point where waste streams that bypass the primary clarifier enter the mixing basin, or
 - ii) alternate monitoring point(s) selected by the permittee to isolate possible sources of spent pulping liquor, soap, or turpentine from other possible sources of organic wastewaters that are tributary to the wastewater treatment system.

2. Establishing initial and revised action levels

- a. Based on a statistical analysis of the first six months of daily measurements as required in paragraph 1.a, the permittee must develop a lower action level and an upper action level. The BMP plan must specify the duration of exceedence of the action levels that will trigger the responses required in paragraphs 3.a and 3.b of this Part.
- b. Initial action levels must be established within 7 months of the effective date of this permit. Revised action levels must be established as soon as possible after full implementation of BMPs, but in no case later than January 15, 2002. The initial action levels remain in effect until replaced by revised action levels.
- c. Action levels developed under this Part must be revised using six months of monitoring data after any change in mill design, construction, operation, or maintenance that materially affects the potential for leaks or spills of spent pulping liquor, soap, or turpentine.

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3. Corrective action

- a. Whenever daily monitoring results exceed the lower action level for the duration specified in the BMP plan, the permittee must conduct an investigation to determine the cause of such exceedence.
- b. Whenever monitoring results exceed the upper action level for the duration specified in the BMP plan, the permittee must complete corrective action to bring the wastewater treatment system influent mass loading below the lower action level as soon as practicable.
- c. Although exceedence of the action levels will not constitute a violation of an NPDES permit, failure to take the actions required by paragraphs 3.a and 3.b of this section as soon as practicable will be a permit violation.

4. Reporting

The permittee must submit a report with the January DMR containing the following information:

- a. a summary of the monitoring results,
- b. the number and dates of exceedences of the applicable action levels, and
- c. brief descriptions of any corrective actions taken to respond to such exceedences.

G. Amendment of BMP Plan

1. The permittee must amend its BMP plan whenever there is a change in mill design, construction, operation, or maintenance that materially affects the potential for leaks or spills of spent pulping liquor, turpentine, soap, or other toxic substances.
2. The permittee must amend its BMP plan whenever it is found to be ineffective at preventing or minimizing the generation and the potential for the release of pollutants from the facility to the waters of the United States through normal operations and ancillary activities.

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3. The permittee must complete a review and evaluation of the BMP plan by [180 days before permit expiration]. As a result of this review and evaluation, the permittee must amend the BMP plan within three months of the review if it determines that any new or modified management practices and engineered controls are necessary to reduce significantly the likelihood leaks, spills, or intentional diversions of spent pulping liquor, soap, turpentine, or other toxic substances, including a schedule for implementation of such practices and controls.

H. Documentation

1. The permittee must maintain on its premises a complete copy of the current BMP plan and the records specified in paragraph H.2 of this Part and must make the BMP plan and records available to the Administrator or IDEQ for review upon request.
2. The permittee must maintain the following records for three years from the date they are created:
 - a. Records tracking the repairs performed in accordance with the repair program described in paragraph E.2.c of this Part;
 - b. Records of initial and refresher training conducted in accordance with paragraph E.2.e of this Part;
 - c. Reports prepared in accordance with paragraph E.2.f of this Part and
 - d. Records of monitoring required by paragraph F of this Part.

III. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling (Routine and Non-Routine Discharges).** The permittee shall collect all effluent samples from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee shall collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to

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a violation that is unlikely to be detected by a routine sample. The permittee shall analyze the additional samples for those parameters limited in Part I.A. of this permit that are likely to be affected by the discharge.

The permittee shall collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples shall be analyzed in accordance with paragraph III.C ("Monitoring Procedures"). The permittee shall report all additional monitoring in accordance with paragraph III.D ("Additional Monitoring by Permittee").

- B. Reporting of Monitoring Results.** The permittee shall summarize monitoring results each month on the DMR form (EPA No. 3320-1). The permittee shall submit reports monthly, postmarked by the 10th day of the following month. The permittee shall sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E. of this permit ("Signatory Requirements"). The permittee shall submit the legible originals of these documents to the Director, Office of Water, with copies to IDEQ at the following addresses:

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue, OW-133
Seattle, Washington 98101

Idaho Division of Environmental Quality
1118 F Street
Lewiston, Idaho 83501

- C. Monitoring Procedures.** Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless other test procedures have been specified in this permit.
- D. Additional Monitoring by Permittee.** If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the permittee shall include the results of this monitoring in the calculation and reporting of the data submitted in the DMR. The permittee shall indicate on the DMR whenever it has performed additional monitoring, and shall explain why it performed such monitoring.

Upon request by the Director, the permittee shall submit results of any other sampling, regardless of the test method used.

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E. Records Contents. All effluent monitoring records shall bear the handwritten signature of the person who prepared them. In addition, all records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the names of the individual(s) who performed the sampling or measurements;
3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

F. Retention of Records. The permittee shall retain records of all monitoring information, including, but not limited to, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the Director or IDEQ at any time.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a. any noncompliance that may endanger health or the environment;
 - b. any unanticipated bypass that results in or contributes to an exceedence of any effluent limitation in the permit (See Part IV.G., "Bypass of Treatment Facilities");
 - c. any upset that results in or contributes to an exceedence of any effluent limitation in the permit (See Part IV.H., "Upset Conditions"); or

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- d. any violation of a maximum daily discharge limitation for any of the pollutants in Table 1 of Section I.A of the permit requiring 24-hour reporting.
 2. The permittee shall also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. The written submission shall contain:
 - a. a description of the noncompliance and its cause;
 - b. the period of noncompliance, including exact dates and times;
 - c. the estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - e. the results of any monitoring data required under Paragraph III.A, "Representative Sampling (Routine and Non-Routine Discharges)."
 3. The Director may, at his sole discretion, waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
 4. Reports shall be submitted to the addresses in Part III.B ("Reporting of Monitoring Results").
- H. Other Noncompliance Reporting.** The permittee shall report all instances of noncompliance not required to be reported within 24 hours, at the time that monitoring reports for Part III.B ("Reporting of Monitoring Results") are submitted. The reports shall contain the information listed in Part III.G.2 of this permit ("Twenty-four Hour Notice of Noncompliance Reporting").
- I. Changes in Discharge of Toxic Substances.** The permittee shall notify the Director and IDEQ as soon as it knows, or has reason to believe:
 1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following "notification levels":

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- a. One hundred micrograms per liter (100 ug/l);
 - b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by the Director in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following "notification levels":
 - a. Five hundred micrograms per liter (500 ug/l);
 - b. One milligram per liter (1 mg/l) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by the Director in accordance with 40 CFR 122.44(f).

IV. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply.** The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.
- B. Penalties for Violations of Permit Conditions**
 1. Civil and Administrative Penalties. Any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil or administrative penalty, not to exceed

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the maximum amounts authorized by Sections 309(d) and 309(g) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note).

2. Criminal Penalties:

- a. Negligent Violations. Any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(1) of the Act.
- b. Knowing Violations. Any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the Act.
- c. Knowing Endangerment. Any person who knowingly violates a permit condition implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine and/or imprisonment as specified in Section 309(c)(3) of the Act.
- d. False Statements. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(4) of the Act.

Except as provided in permit conditions in Part IV.G, ("Bypass of Treatment Facilities") and Part IV.H, ("Upset Conditions"), nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

- C. Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

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- D. Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances.** Solids, sludges, or other pollutants removed in the course of treatment or control of water and wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.
- G. Bypass of Treatment Facilities**
1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
 2. Notice.
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part III.G ("Twenty-four Hour Notice of Noncompliance Reporting").
 3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Director or IDEQ may take enforcement action against the permittee for a bypass, unless:

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- i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment shall have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - iii) The permittee submitted notices as required under paragraph 2 of this Part.
- b. The Director and IDEQ may approve an anticipated bypass, after considering its adverse effects, if the Director and IDEQ determine that it will meet the three conditions listed above in paragraph 3.a. of this Part.

H. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee meets the requirements of paragraph 2 of this Part. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the permittee shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under Part III.G, "Twenty-four Hour Notice of Noncompliance Reporting;" and

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- d. The permittee complied with any remedial measures required under Part IV.D, "Duty to Mitigate."
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- I. **Toxic Pollutants.** The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- J. **Planned Changes.** The permittee shall give notice to the Director and IDEQ as soon as possible of any planned physical alterations or additions to the permitted facility whenever:
 1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
 2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements under Part III.I ("Changes in Discharge of Toxic Substances").
- K. **Anticipated Noncompliance.** The permittee shall give advance notice to the Director and IDEQ of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

V. GENERAL PROVISIONS

- A. **Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- B. **Duty to Reapply.** If the permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit.

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- C. Duty to Provide Information.** The permittee shall furnish to the Director and IDEQ, within the time specified in the request, any information that the Director or IDEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director or IDEQ, upon request, copies of records required to be kept by this permit.
- D. Other Information.** When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to the Director or IDEQ, it shall promptly submit the omitted facts or corrected information.
- E. Signatory Requirements.** All applications, reports or information submitted to the Director and IDEQ shall be signed and certified.
 - 1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
 - 2. All reports required by the permit and other information requested by the Director or IDEQ shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director and IDEQ, and
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company.
 - 3. Changes to authorization. If an authorization under Part V.E.2 is no longer accurate because a different individual or position has

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responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph V.E.2. must be submitted to the Regional Administrator and IDEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this Part shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- F. **Availability of Reports.** Except for data determined to be confidential under 40 CFR 2, all reports prepared in accordance with this permit shall be available for public inspection at the offices of the the Director and IDEQ. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

- G. **Inspection and Entry.** The permittee shall allow the Director, IDEQ, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

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4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

- H. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- I. Property Rights.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- J. Severability.** The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- K. Transfers.** This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit.
- If the notice described in paragraph 3 above is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- L. State Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

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- M. Reopener Clause.** This permit is subject to modification, revocation and reissuance, or termination at the request of any interested person (including the permittee) or upon EPA initiative. However, permits may only be modified, revoked or reissued, or terminated for the reasons specified in 40 CFR 122.62 or 122.64, and 40 CFR 124.5. This includes new information that was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance, including but not limited to future monitoring results and the issuance of a biological opinion by National Marine Fisheries Service on management options for the Snake River. All requests for permit modification must be addressed to EPA in writing and shall contain facts or reasons supporting the request.

VI. DEFINITIONS

1. "Action level" is a daily pollutant loading that, when exceeded, triggers investigative or corrective action. The permittee will determine action levels by a statistical analysis of six months of daily measurements collected at the mill.
2. "Administrator" means the Administrator of the EPA, or an authorized representative.
3. "AOX" is defined as adsorbable organic halides. AOX must be analyzed using EPA method 1650. Both the suspended and dissolved fractions of the wastewater shall be included in the analysis.
4. "Annual average" for 2,3,7,8-TCDD is defined as the arithmetic average of all samples collected in any 12 consecutive months.
5. "Best Management Practices (BMP) plan" means the plan that was submitted to EPA in August 1997, amended December 1997, and any future amendments.
6. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
7. "Chronic toxic unit" ("TU_c") is a measure of chronic toxicity. The number of chronic toxic units in the effluent is calculated as 100/NOEC, where the NOEC is measured in percent effluent.
8. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar

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day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

9. "Director" means the Director of the Office of Water, EPA, or an authorized representative.
10. "DMR" means discharge monitoring report.
11. "EOX" means extractable organic halides. EOX shall be sampled and analyzed using standard protocols, including QA/QC.
12. "EPA" means the United States Environmental Protection Agency.
13. "Fiber line" is a series of operations employed to convert wood or other fibrous raw material into pulp. If the final product is bleached pulp, the fiber line encompasses pulping, de-knotting, brownstock washing, pulp screening, centrifugal cleaning, and multiple bleaching and washing stages.
14. "Final effluent" means effluent downstream from the last treatment unit and at, or upstream from, the point where a permitted outfall enters navigable waters, and through which all waste streams pass that are discharged from the outfall.
15. "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
16. "IDEQ" means Idaho Division of Environmental Quality.
17. "Immediate process area" is the location at the mill where pulping, screening, knotting, pulp washing, pulping liquor concentration, pulping liquor processing, and chemical recovery facilities and pulping liquor storage and spill control tanks are located.
18. "Intentional diversion" is the planned removal of spent pulping liquor, soap, or turpentine from equipment items in spent pulping liquor, soap, or turpentine service by the permittee for any purpose including, but not limited to, maintenance, grade changes, or process shutdowns.

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19. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
20. "Method Detection Limit (MDL)" means the minimum concentration of an analyte that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero as determined by a specific laboratory method.
21. "Minimum Level (ML)" means the concentration at which the entire analytical system gives recognizable signals and an acceptable calibration point.
22. "Monthly average discharge limitation" means the highest allowable average of "daily discharges" over a calendar month. Compliance with this limitation shall be calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
23. "NOEC" means no observed effect concentration. The NOEC is the highest tested concentration of effluent to which organisms are exposed that causes no observable adverse effect at a specific time of observation.
24. "QA/QC" means quality assurance/quality control.
25. "Regional Administrator" means the EPA Region 10 Regional Administrator, or an authorized representative.
26. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
27. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
28. "Waste stream" means any non-de minimus stream of pollutants within the permittee's facility that enters any permitted outfall or navigable waters. This

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includes spills and other unintentional, non-routine or unanticipated discharges.

29. "2,3,7,8-TCDD" is defined as 2,3,7,8-tetrachlorodibenzo-p-dioxin.
30. "2,3,7,8-TCDF" is defined as 2,3,7,8-tetrachlorodibenzofuran.
31. "24-hour composite" sample means a flow-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.

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